



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,988	07/13/2006	Akio Higashi	2006_1047A	9271
52349 7590 12/23/2009 WENDEROTH, LIND & PONACK L.L.P. 1030 15th Street, N.W. Suite 400 East Washington, DC 20005-1503				
EXAMINER WILLIAMS, JEFFERY L.				
ART UNIT 2437		PAPER NUMBER		
MAIL DATE 12/23/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/585,988

Applicant(s)

HIGASHI ET AL.

Examiner

JEFFERY WILLIAMS

Art Unit

2437

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1 – 28 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11 – 19 and 21, 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 11, the scope of the claim is rendered unclear as the subject matter of the claim is improperly directed to a "secure system" as opposed to the claimed "secure device" of claim 10. The examiner presumes the applicant to recite "the secure device according to claim 10".

Regarding claims 21 and 22, the scope of these claims is rendered unclear as the subject matter of the claim is improperly directed to a "secure system" and a "secure device" as opposed to the claimed "terminal apparatus" of claim 20. The examiner presumes the applicant to recite "the terminal apparatus according to claim 20".

Claims 12 – 19 are rejected by virtue of dependency.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Massimo et al. (Massimo), “Method and system for the controlled delivery of digital multimedia services”, EP 0 982 935 A2 , in view of Medvinsky et al. (Medvinsky), U.S. Patent Publication, U.S. 2005/0071663.

Regarding claim 1, Massimo discloses *a secure system including a secure device holding confidential data and a terminal apparatus to which said secure device is connected* (fig. 2),

said secure system comprising: a first storage unit included in one of said secure device and said terminal apparatus, and operable to store domain information defining a domain of said secure device and said terminal apparatus; a second storage unit included in one of said secure device and said terminal apparatus, and operable to store an extra-domain usage rule which is a rule for use of said secure device outside the domain (Massimo, par. 28). Herein, Massimo discloses wherein one of a “secure device” and a “terminal apparatus” comprise sufficient memory (i.e. “first storage unit”, “second storage unit”) capable of storing information (i.e. “operable to store”);

Massimo discloses a digital content enabling a user to render content or access services. However, Massimo does not appear to give consideration to “domains”. Medvinsky discloses a digital content system wherein users can render content or access services within different domains according to established rules (Medvinsky, par. 5, 7, 207, 208). It would have been obvious to one of ordinary skill in the art to apply the concepts of rendering content or accessing services within different domains to the system of Massimo. This would have been obvious because one of ordinary skill in the art would have been motivated by the prior art teachings that it is desirable to protect digital content systems with authorized domains (Medvinsky, par. 4, 5).

The combination enables:

a first judgment unit included in one of said secure device and said terminal apparatus, and operable to judge, according to the domain information, whether one of said secure device and said terminal apparatus is currently inside the domain or outside the domain (Massimo, par. 37; Medvinsky, par. 7, 11, 49). Herein, the combination enables a means for judging whether one of said secure device and terminal apparatus is inside/outside of a domain (i.e. “a first judgment unit”).

a second judgment unit included in one of said secure device and said terminal apparatus, and operable to judge, according to the extra-domain usage rule, whether or not use of said secure device is permitted, in the case where it is judged by said first judgment unit to be outside the domain (e.g. Massimo, par. 37; Medvinsky, par. 49, 91, 167-173). Herein, the combination enables a means for judging within one of said

secure device and terminal apparatus according to an "extra-domain usage rule" in cases characterized as outside the domain (i.e. "a second judgment unit").

and a control unit included in one of said secure device and said terminal apparatus, and operable to enable the use of said secure device in said terminal apparatus in any of: the case where it is judged by said first judgment unit to be inside the domain; and the case where it is judged by the second judgment unit that use is permitted (e.g. Massimo, par. 4).

Regarding claim 2, the combination enables:

wherein said terminal apparatus is a content use apparatus reproducing an encrypted content, the confidential data is an encryption key for decrypting the content, and said control unit is operable to supply the confidential data from said secure device to said terminal apparatus, in any of: the case where it is judged by said first judgment unit to be inside the domain; and the case where it is judged by said second judgment unit that use is permitted (e.g. Massimo, par. 4, 28, 33).

Regarding claim 3, the combination enables:

wherein the extra-domain usage rule concerns at least one of the following extra-domain criteria: (a) the number of content reproductions; (b) the number of content use apparatuses; (c) the number of domains; (d) a validity period; (e) a use duration; (f) the number of terminal IDs; (g) the number of domain IDs; (h) the number of contents; and (i) the number of licenses (e.g. Medvinsky, par. 170-176).

Regarding claim 4, the combination enables:

comprising a history recording unit operable to record an extra-domain use history indicating a history of use of the content in a content use apparatus outside of the domain, the use being based on the extra-domain usage rule, wherein said second judgment unit is operable to judge whether or not the extra-domain use history exceeds a limit of permitted use indicated in the extra-domain usage rule (e.g. Medvinsky, par. 76, 177-179).

Regarding claim 5, the combination enables:

wherein said second storage unit and said second judgment unit are included in said secure device (e.g. Massimo, par. 34, 37, 40).

Regarding claim 6, the combination enables:

wherein said second storage unit and said second judgment unit are included in said content use apparatus (e.g. Massimo, par. 34, 37, 40).

Regarding claim 7, the combination enables:

wherein said content use apparatus includes a reception unit operable to receive a new extra-domain usage rule from an outside source, and said second storage unit is operable to update the extra-domain usage rule with the new extra-domain usage rule (e.g. Massimo, par. 4, 28). Herein the combination enables a content use apparatus with a "reception unit", thus "operable to receive". Furthermore, the combination enables memory capable of storing information, thus "operable to update".

Regarding claim 8, the combination enables:

wherein said reception unit is operable to receive an extra-domain usage rule added to a license transmitted by a content distribution server (e.g. Massimo, par. 4, 28). Herein the combination enables a content use apparatus with a "reception unit", thus "operable to receive"..

Regarding claim 9, the combination enables:

wherein said content use apparatus further includes: an obtainment unit operable to obtain the extra-domain usage rule and an extra-domain use history from a secure device inserted into a secure device slot (e.g. Massimo, par. 13; Medvinsky, par. 49); and a display unit operable to display a guidance regarding a use status for a content use apparatus outside of the domain, based on the obtained extra-domain usage rule and the extra-domain use history (e.g. Massimo, par. 10; Medvinsky, par. 30). Herein, the combination enable display units, thus "operable to display..."

Regarding claims 10 – 28, they are apparatus and method claims essentially corresponding to the above claims, and they are rejected, at least, for the same reasons.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

See Notice of References Cited.

A shortened statutory period for reply is set to expire 3 months (not less than 90 days) from the mailing date of this communication.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery Williams whose telephone number is (571) 272-7965. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2437

1
2 /Jeffery Williams/
3 Examiner, Art Unit 2437
4
5 /Emmanuel L. Moise/
6 Supervisory Patent Examiner, Art Unit 2437
7
8